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RECENT LITERATURE

NOTES AND ABSTRACTS

Notes sur le problème des origines du droit.—The primary group is due to the instinct of sociability. Within this group, the genetic instinct later organizes the smaller family group. The group demanded rules which had their bases in the instincts of its members. The cult adopted for controlling the gods was based on pleasure and displeasure, was anthropomorphic, yet believed to be revealed by the gods. The controllers of the ritual of actual combat gradually developed judicial powers. To turn the decisions over to judges secularizes the law, but even today this act contains a religious element, e.g., marriage. Codification prevents both the arbitrariness of the judge and the further evolution of the law. The latter is assisted by interpretation, fictions, and new legislation.—George Cornil, *Rev. de droit inter. et legis comp.*, No. 5, 1910. D. I. P.

Les caractéristiques du progrès.—All progress is an emancipation from some form of tyranny . . . from the tyranny of physical means, of the supernatural, of personal despotism. Material progress is the adaptation of natural agents to the needs of man; intellectual progress implies the subordination of subjective conception to objective method and frees the individual from subjective tyrannies; social progress is characterized by the substitution of the statute for the contract; political progress means the guaranty of the rights of the individual, the coexistence and competition of parties, the predominance of economic competition over political competition. Progress implies the substitution of the scientific and industrial civilization for a sacerdotal and warlike civilization. Progress is possible in direct proportion to the power of man over things and in inverse proportion to the power of man over man.—Y. Guyot, *Revue internationale de sociologie*, January, 1911. E. S. B.

The Social Problem.—The social problem is concerned with the reduction in the numbers of the improvident and incompetent classes by a population policy that demands quality not quantity. Poverty is merely fostered by philanthropic measures which make easy the multiplication of the poor by removing responsibility for offspring. When it has been discovered that the community will not bear the expense there will be hesitation and the marriage of those without prospect of support will be less frequent. Our present policy constantly increases the competition of the unskilled by increasing the supply of labor.—John J. Stevenson, *Pop. Sci. Mo.*, March, 1911. A. D.

Sanitation in Rural Communities.—While death-rates in cities are larger than in rural communities, many diseases show a high death-rate in rural communities which can be reduced by proper sanitary measures, cleanliness in dish-washing, open windows at night and raised curtains by day, use of "driven" and artesian wells and careful protection of the "dug" well, improved facilities for preserving food-stuffs and for meat-inspection, cleanliness of milk, improved sewage and garbage disposal. Fundamentally, education in sanitary considerations is peculiarly an important phase of the rural problem of sanitation.—Charles E. North, *Annals American Academy*, March, 1911. A. D.

A Domestic Immigration Policy.—The assimilation of immigrants requires a definite policy in order to secure distribution, protection, and education of aliens. (1) The Federal Division of Information should become a clearing-house governing distribution throughout the country, co-operating with state agencies and controlling all private agencies. Seasonal congestion, segregation of men, and immigrant colonization should be brought under control. (2) There should be a federal system for the protection of aliens on arrival, of alien workmen in

courts and in general knowledge of the law. (3) The educational system should require organized schools of citizenship and industrial training for adults, as well as careful provision for general education of foreign children.—Frances A. Kellor, *North American Review*, April, 1911. A. D.

Class Consciousness.—Class consciousness, as a militant movement, is not to be deplored any more than family or national consciousness. It is of value (1) for its "internal disciplines," fitting people to play a due part in corporate action, and (2) for the widening of sympathies in its internationalism, while in its later developments it is not hostile to a national and religious bond. Its final end, furthermore, is the abolition of privilege and of class-distinction. The slow shifting of sympathy on the part of the general public toward the side of the workers and the supply of leaders of the proletariat from the middle classes is an encouragement to class consciousness and an outgrowth of genuine democracy.—Vida Scudder, *Atlantic Monthly*, March, 1911. A. D.

Sources of Information on the Public Health Movement.—Statistical data in the United States are far behind those of other nations. (1) Our census reports are weak in vital statistics, especially in registration of deaths, lack of uniform classification, inaccuracy in records of occupational mortality, and absence of registration of births. (2) Local reports fail to study carefully local effects of race, nativity, and occupation; special study of the mortality and morbidity of school children is necessary. (3) The reports of hospitals and philanthropic institutions are confusing, lacking in uniformity, and often unintelligent. Further, caution is needed in the interpretation of statistical data requiring correction for age, sex, color, et cetera. These defects could be remedied by a federal Bureau of Health.—R. E. Chaddock, *Annals of the American Academy*, March, 1911. A. D.

People's Rule in Oregon.—The outcome of the Oregon project for direct legislation, and of the methods of the campaign of 1910, indicates a strengthening of the "people's rule" idea, but shows (1) that the extremely complex ballot is "preposterous," and (2) that great attention must be paid to the psychology and ethics of title-writing for measures presented to the people. There is much value in the keenness and vitality which the method brings into politics, and in the resulting stimulus to political education.—George H. Haynes, *Pol. Sci. Quart.*, March, 1911. A. D.

Die Produktionsform als geschichtlicher Faktor.—The conception that the form of production is the certain key to all historic development forms the nucleus of the materialistic interpretation of history. Historians have been too dogmatic in their denial of it. Riehl's critical denial does not exclude the operation of the Marxian principle as such, but reduces it to merely one of the number of factors that co-operate in the infinitely complex concrete social process. While from the nature of historical science a law of universal validity is inadmissible, this by no means prevents us from conceding specific validity to an explanatory concept. In the case of the Protestant Reformation, for example, a recent historian has proved that the change from a barter to a money system of exchange was responsible for the transition from mediaeval lack of freedom to modern individualism and protestantism; that therefore the conditions of production of a period involve profound consequences for its purely psychic and even religious activity.—Dr. W. Wagner, *Arch. f. System. Philos.*, 1911. P. W.

Lässt sich eine Zunahme der Geisteskranken feststellen?—Whether the number of insane has increased within the last five years cannot be determined with certainty from the statistics, for these include only those cases of mental disturbance which dependency, delinquency, or economic incapacity bring to public notice. Modern conditions of life do not so much produce insanity as they cause it to be recognized, especially in its marginal manifestations. Experienced physicians who today report more borderline cases of mental diseases than ever before, leave unanswered the question as to whether this increase is an absolute

one or conditioned by spreading customs of publicity. Chapman on the basis of English conditions asserts that the increase in the number of institutional inmates consists of the less serious types of defectives. Two factors are involved in all cases of psychic abnormality: (1) endogenic, or inherited cerebral instability, and (2) exogenic, or injurious habits of civilized life. The latter act as the immediate occasion of the more serious and acute mental derangement that is becoming less frequent. Among the endogenic causes of racial degeneration we now know that the deterioration of the germ cell through alcoholism, syphilis, and tuberculosis of the parents, as well as a low standard of living plays a considerable part.—Prof. Dr. L. W. Weber, *Arch. f. Rassen- u. Gesellsch.-Biol.*, December, 1910. P. W.

Die Kompetenz der Demokratie.—Critics have at all times been ready to point to the lack of expert knowledge as to the characteristic mark of a Democratic system of government, and it is the fashion among French Republicans today to regard the imperfection of universal suffrage as a necessary evil. Many of the criticisms directed against democracy apply equally to other forms of political organization. Democracy as such is no better a form than any other, but it is capable of improvement. More than any other it can and must develop so as to give scope and expression to all the impulses and forces potential in it. In a democracy as under any other type of government the general law of specialization and of the competence of the specialist holds for the citizens' political life as for all their other activities. Every voter is or may become an expert on such questions as bear upon his vocational or social relations. For this he need but know accurately his own interest and needs, and judge the permanent effect of legislative proposals upon them. The domain of the voter's political competence is thus exactly coextensive with that of his private or occupational activity.—Etienne Buisson, *Sozialist. M.H.*, March, 1911. P. W.

Gesetzes-Ueberproduktion in den Vereinigten Staaten.—During the last session of the federal Congress in Washington, members of the House of Representatives proposed no fewer than 27,000 bills. Many of these are buried in committees. If they survive and are reported out they are often phrased so as to be ineffective or incapable of enforcement. Frequently a law newly enacted is promptly forgotten and remains a dead letter. The American has unlimited faith in the perfectibility of the world through legislation. He does not yet see that many of the goods of civilization can be attained only through the cultivation by the whole people of good habits, such as cannot be prescribed by law but must be achieved by slow individual development. It is a pernicious article of faith for the American people that "almost anybody can do almost anything," a principle guiding ignorant legislatures in passing superfluous and even preposterous laws, session after session. The widespread disregard of law in the United States is due in large measure to the immense number of laws that exist only on the statute books.—Dr. Ernst Schultze-Grossborstel, *L. f. Soz.-Wiss.*, January, 1911. P. W.

La théorie Lombrosienne et l'évolution de l'anthropologie criminelle.—Three phases in the development of criminal anthropology are: the Lombrosian period, 1875-89; the anti-Lombrosian period culminating in 1905, and followed by the present positivist stage. Lombroso chose for his task the examination of the defective physical organization of criminals. His assumption that criminals are persons born with the physical and psychical blemish that prevents their reaching moral stability and irresistibly impels them to crime leads to the fatalistic conclusion that while punishment is contrary to justice, reformation is impossible. The error lies even less perhaps in the under-estimation of social environment, education, etc., as etiological factors in criminality than in the denial of perfectibility to even abnormal man. The reaction to Lombroso's theory consisted in the contributions of sociological thinkers, e.g., Tarde, Sergi, Féré, etc., who demanded due and undue recognition in criminogenetic discussions of the social and economic factors. The third or eclectic

phase is marked by the criticism of all previous doctrine and the recognition of the extreme complexity of criminological phenomena. In the program of this school the systematic analysis of the physical, functional, and moral personality of the delinquent plays as important a part as the careful study of social conditions.—Dr. Vervaeck, *Archives d'anthropologie criminelle*, August, 1910.

P. W.

German Labor Exchanges.—Germany is dealing with her unemployment problem by means of three main types of labor exchanges—those of the employers, those of the employees, and the public exchanges. The most striking feature of this system during recent years has been the phenomenal growth of the employers' labor exchanges maintained by various employers' organizations and used by them to control the labor supply not only in their own particular industry, but by means of co-operation throughout the entire community or area in which they operate. They are, however, conducted with the utmost efficiency and scientific thoroughness, and their principle of selection is that of special fitness primarily, only secondarily that of the order of application, and in the last instance that of family obligations. By the employees' labor exchanges, conducted principally in connection with the trade unions, applicants for work are sent out in the order of their registration. The public labor exchanges try to hold the balance between the conflicting claims of employers and employees, and consider that so long as they can satisfy the employers their aim is to give out work according to need. The danger that lurks in this system of employing men at short notice and gratuitously is the tendency to shorten the term of employment and to increase instead of draining the surplus pool of unemployed labor.—J. St. G. Heath, *Economic Journal*, September, 1910.

P. W.

Ueber den Zusammenhang zwischen Geisteskrankheit und Kultur.—The facts presented suggest the conclusion not only that the civilized nations of Europe and America have retrograded in many important fields of physical efficiency, but that all these various symptoms of degeneration are reciprocally related among themselves and that they point to deep-seated common causes of the deterioration of the physical constitution of the white race. And a bodily depreciation, as has been shown by investigations of school children, implies a mental retrogression also. The conclusion to be drawn from the evidence is that there exists among civilized peoples a strong tendency to physical degeneration, which necessarily involves, sooner or later, a lowering of nervous efficiency and the consequent undermining of the constitutional basis of our civilization.—Dr. Ernst Rüdin, *Arch. f. Rassen- u. Ges.-Biol.*, December, 1910.

P. W.

La représentation proportionnelle.—Equitable representation for the individual members of society has long been a desideratum. Rousseau influenced the French nation in this idea more strongly perhaps than any other man. It is of interest to note the development in France relative to this subject. In 1789 the draft of the constitution was presented to the National Assembly, in which the age qualification for suffrage—minimum of 25 years—was a main consideration. Then the change in 1795—the bicameral triumph. In 1799 came the consular constitution, and the revision of the charter in 1830 lowering the eligibility to twenty-one years. Universal suffrage followed in the wake of this act, which came to mean in France a minority rule. Belgium has been the laboratory for the political experimentations of Europe. Proportional representation has made great advance in this country, and likewise in France.—J. Dessaint, *L'action populaire*, April 12, 1910.

E. E. W.

La chanson et l'évolution sociale.—No tribe has been discovered that had not its chant; no society, however primitive, but had a song; no class so advanced but song has occupied a place in it. Song is the interpretation of a nation's activities, its aspirations, or lack of aspirations. France illustrates this fact. In the eighteenth century the songs were light and frivolous, indicative of the court pollutions and the levity of society in France at that time. But as deep prob-

lems engulfed the nation at the end of this century the character of song changed and the nation emerged from her woes with a troubled song which, from the lips of the peasant, grew to one of sweet simplicity.—André Chenal, *L'action populaire*, April 28, 1910. E. E. W.

Le vote politique des femmes en Norvège.—The influence of the women in the elections has appeared distinctly favorable to social pacification. The municipal council of Christiania has been completely modified in the last ten years. In 1900 it was radical-socialist; today the majority of members are liberal-conservative. We ought not to fear the vote of women. M. Emile Faguet declares his belief that the vote of women will have a moral and conservative influence upon the country; that they are less sensual, less criminal, and less alcoholic than men.—M. Parsy, *Réf. sociale*, April, 1910. R. B. Mc.

De l'intolérance comme phénomène social.—Intolerance is common to all eras and to all phases of society. It has been most obvious in religion, perhaps. But we find it in capitalism and among the laboring classes. The Republicans, Socialists, and Anarchists are addicted to it. Learning is saturated with it, and the dress fashions of society are based upon it. The present period is one in which there is a rapidly growing intolerance because it is a period of great doubt, a condition which invariably brings intolerance in its wake.—Raoul de la Grasserie, *Revue internationale de sociologie*, February, 1910. E. E. W.

Politik und Nationalökonomie.—Scientific politics is a contradiction of terms. Economics cannot attach itself definitely to a "system." Its problem is simply, "What is?" Cohn argues that it deals with living, hence variable, beings and that laws of causality cannot be established; the blood must be extracted from the material before mathematics can be introduced into life. Hence, it is impossible for the government to establish fixed relations, as of ratios in the money market. However, true causality does exist in this field; for, otherwise, reforms would be impossible.—L. Pohle, *Zeitschrift für Sozialwissenschaft*, May, 1910. E. E. W.

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